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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,760	03/04/2004	Masahiro Sueyoshi	249943US6	5272
22850 7590 11/13/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER KANE, CORDELIA P	
			ART UNIT 2132	PAPER NUMBER
			NOTIFICATION DATE 11/13/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/791,760	<b>Applicant(s)</b> SUEYOSHI ET AL.	
	<b>Examiner</b> Cordelia Kane	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>8/15/07</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed September 5, 2007, with respect to the rejections of claims 1 – 27 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Shambroom US Patent 5,923,756. Referring to claims 1, 27 and 28, Shambroom teaches:
  - a. Authenticating a device on the basis of key data (column 7, lines 6-9).
  - b. Generating a key on the basis of data received from the authenticating means (column 11, lines 1-4).
  - c. Providing first and second data to the key generating means (column 10, lines 39-41) and generating the key using only one of said first or second data (column 11, lines 1-4).

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4. Referring to claim 2, Shambroom teaches that the key data is unique to the device (column 10, line 65). By definition a session key is unique to that session with the device.
5. Referring to claim 3, Shambroom teaches a function module having a first input parameter and a second input parameter and generating said key data by using only said first data, and the authenticating means enters said first data and said second data as the first and second input parameters (column 11, lines 1-4).
6. Referring to claim 4, Shambroom teaches that said authenticating means provides identification data relating to processing to be performed after said authentication (column 10, lines 32-34).
7. Referring to claim 5, Shambroom teaches providing unique data unique to said device to be authenticated received from said device (column 10, lines 39-41), and uses the unique data received to generate the key data (column 11, lines 1-4).
8. Referring to claim 6, Shambroom teaches that the server is executing the steps of the parent claims (column 10, lines 48-49) and is therefore executing the authentication program of claim 6.
9. Referring to claim 7, Shambroom teaches that the authenticating means provides the key generating means with the unique data read from the storage means shared between them (column 11, lines 1-4). Since the authenticating means and generating means are in the same device there would be storage shared between them.

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10. Referring to claim 8, Shambroom teaches reading out and holding a master key (column 10, lines 49-51), and the key generating means calls up the holding means and uses the master key to generate the key data (column 11, lines 1-4).

11. Referring to claim 9, Shambroom teaches that the key holding means is executed by a key holding program (column 10, lines 48-49).

12. Referring to claim 10, Shambroom teaches that the key holding program is updated independently from the programs realizing said authenticating means and key generating means (column 10, lines 49-51). The information is passed and then held at the client in a separate step from the key generating and authentication step. Therefore it is updated independently.

13. Referring to claim 11, Shambroom teaches the key generating means selecting a key generation algorithm defined in accordance with a plurality of processing contents and generates said key data based on said selected key generation algorithm (column 7, lines 25-51).

14. Referring to claim 12, Shambroom teaches performing authentication with the device to be authenticated (column 12, lines 35-36) and when mutual legitimacy is confirmed, performs processing corresponding to said key data in cooperation with said device to be authenticated (column 12, lines 37-42).

15. Referring to claim 13, Shambroom teaches performing first authentication using fixed key data (column 11, lines 1-4) and performing second authentication using individual key data (column 12, line 55). The password (key) may be shared with a plurality of devices if the user logs on to a plurality of devices.

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16. Referring to claim 14, Shambroom teaches performs first processing linked with the fixed key data after confirming legitimacy (column 11, lines 1-4) and performs second processing linked with said individual key data after confirming the legitimacy of the device in the second authentication (column 12, lines 55-58).

17. Referring to claim 15, Shambroom teaches holding original key data linked with the second authentication (column 12, lines 41-42), and generating an individual key based on the unique data received from the device and the original key data (column 12, lines 55-56). The original key used for decrypting the individual key would not be accessed without using the unique information received from the device.

18. Referring to claim 16, generating said individual key data based on the original key data received (column 12, lines 55-56).

19. Referring to claim 17, Shambroom teaches:

- d. Receiving first and second data (column 10, lines 39-41).
- e. Generating a key using only one of said first and second data (column 11, lines 1-4).
- f. Authenticating the device on the basis of the key data (column 12, lines 35-36).

20. Referring to claim 18, Shambroom teaches that the key data is unique to the device (column 10, line 65). By definition a session key is unique to that session with the device.

21. Referring to claim 19, Shambroom teaches a function module having a first input parameter and a second input parameter and generating said key data by using only

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said first data, and the authenticating means enters said first data and said second data as the first and second input parameters (column 11, lines 1-4).

22. Referring to claim 20, Shambroom teaches providing unique data unique to said device to be authenticated received from said device (column 10, lines 39-41), and uses the unique data received to generate the key data (column 11, lines 1-4).

23. Referring to claim 21, Shambroom teaches reading out and holding a master key (column 10, lines 49-51), and the key generating means calls up the holding means and uses the master key to generate the key data (column 11, lines 1-4).

24. Referring to claim 22, Shambroom teaches that the key holding program is updated independently from the programs realizing said authenticating means and key generating means (column 10, lines 49-51). The information is passed and then held at the client in a separate step from the key generating and authentication step. Therefore it is updated independently.

25. Referring to claim 23, Shambroom teaches:

g. Receiving first data and second data (column 10, lines 39-41).

h. Generating the key using only one of said first data or said second data (column 11, lines 1-4). Providing the key data to the authenticating program is inherent since the authenticating and generating programs are embodied in the same program. Once it is generated, it is also provided.

26. Referring to claim 24, Shambroom teaches that the key data is unique to the device (column 10, line 65). By definition a session key is unique to that session with the device.

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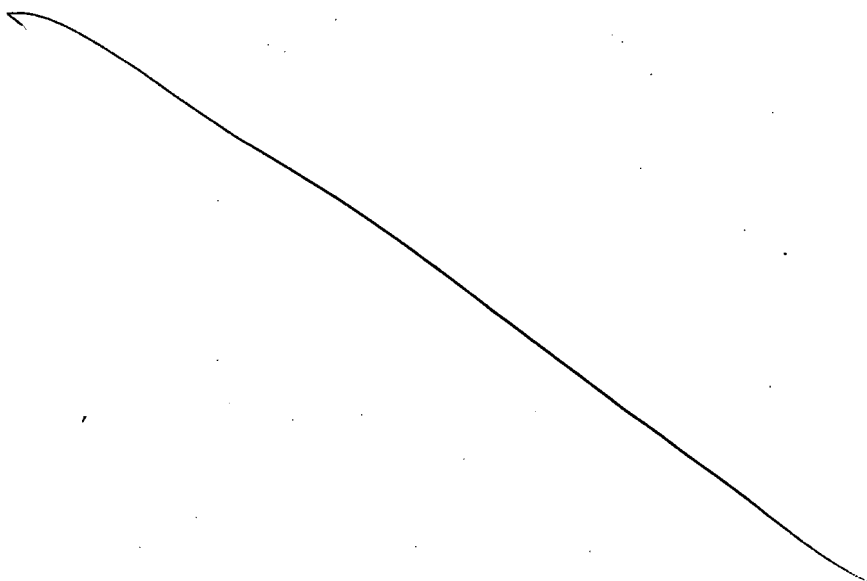
27. Referring to claim 25, Shambroom teaches a function module having a first input parameter and a second input parameter and generating said key data by using only said first data, and the authenticating means enters said first data and said second data as the first and second input parameters (column 11, lines 1-4).

28. Referring to claim 26, Shambroom teaches that the access rights different that the authentication program are defined (column 13, lines 5-6).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cordelia Kane whose telephone number is 571-272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.





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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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